

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1085**

Introduced by Kristensen, 37

Read first time January 7, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Commission on Public Advocacy; to amend  
2 section 29-3931, Revised Statutes Supplement, 1998, and  
3 sections 49-506 and 49-617, Revised Statutes Supplement,  
4 1999; to change provisions relating to operations; to  
5 provide for distribution of session laws, the legislative  
6 journal, and statutes as prescribed; to repeal the  
7 original sections; and to declare an emergency.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 29-3931, Revised Statutes Supplement,  
2   1998, is amended to read:

3           29-3931. ~~The~~ In cases where the capital litigation  
4 division, appellate division, or major case resource center has  
5 been appointed, the chief counsel shall make a showing to the  
6 county or district court for the county in which the prosecution  
7 arose regarding the commission's cost of defense. The chief  
8 counsel shall consider the complexity of the case, the amount of  
9 expenses involved, and the ability of the county to pay the costs,  
10 in determining how often to make a showing to the court. A showing  
11 shall be made no more than once a month and shall be made once  
12 after the case is completed. The cost shall be based upon (1) the  
13 actual time spent by commission staff attorneys and their hourly  
14 rates of pay, including benefits, (2) a reasonable amount for  
15 administrative and support staff time, (3) the actual expenditures  
16 for litigation support, such as expert witnesses, depositions,  
17 photocopying, printing, and travel and lodging expenses, and (4) a  
18 reasonable amount for office overhead, including rent, telephone,  
19 and utilities. The costs of defense shall not include any expense  
20 incurred by the commission's staff for travel time or mileage  
21 between the commission's office and the place where the particular  
22 case's venue is had. After a hearing, the county or district court  
23 shall order the county to pay one-third of the commission's cost of  
24 defense. The county shall pay the costs to the commission which  
25 shall remit the amount to the State Treasurer for credit to the  
26 County Revenue Assistance Fund. In cases in which commission staff  
27 is using money to represent indigent clients and that money is  
28 associated with any federal grant money or state match money, the

1 chief counsel shall only bill counties for actual expenditures for  
2 litigation support such as expert witnesses, depositions,  
3 photocopying, printing, and travel and lodging expenses.

4           Sec. 2. Section 49-506, Revised Statutes Supplement,  
5 1999, is amended to read:

6           49-506. After the Secretary of State has made the  
7 distribution provided by section 49-503, he or she shall deliver  
8 additional copies of the session laws and the journal of the  
9 Legislature pursuant to this section.

10           One copy of the session laws shall be delivered to the  
11 Lieutenant Governor, the State Treasurer, the Auditor of Public  
12 Accounts, the Reporter of the Supreme Court and Court of Appeals,  
13 the State Court Administrator, the State Fire Marshal, the  
14 Department of Administrative Services, the Department of  
15 Aeronautics, the Department of Agriculture, the Department of  
16 Banking and Finance, the State Department of Education, the  
17 Department of Environmental Quality, the Department of Insurance,  
18 the Department of Labor, the Department of Motor Vehicles, the  
19 Department of Property Assessment and Taxation, the Department of  
20 Revenue, the Department of Roads, the Department of Veterans'  
21 Affairs, the Department of Water Resources, the Military  
22 Department, the Nebraska State Patrol, the Nebraska Commission on  
23 Law Enforcement and Criminal Justice, each of the Nebraska state  
24 colleges, the Game and Parks Commission, the Nebraska Library  
25 Commission, the Nebraska Liquor Control Commission, the Nebraska  
26 Natural Resources Commission, the Nebraska Accountability and  
27 Disclosure Commission, the Public Service Commission, the State  
28 Real Estate Commission, the Nebraska State Historical Society, the

1 Public Employees Retirement Board, the Risk Manager, the  
2 Legislative Fiscal Analyst, the Public Counsel, the materiel  
3 division of the Department of Administrative Services, the State  
4 Records Administrator, the budget division of the Department of  
5 Administrative Services, the Department of Health and Human  
6 Services, the Department of Health and Human Services Regulation  
7 and Licensure, the Department of Health and Human Services Finance  
8 and Support, the Tax Equalization and Review Commission, the inmate  
9 library at all state penal and correctional institutions, the  
10 Commission on Public Advocacy, and the Library of Congress; two  
11 copies to the Governor, the Secretary of State, the Nebraska  
12 Workers' Compensation Court, the Commission of Industrial  
13 Relations, and the Coordinating Commission for Postsecondary  
14 Education, one of which shall be for use by the community colleges;  
15 four copies to the Nebraska Publications Clearinghouse; five copies  
16 to the Attorney General; eight copies to the Clerk of the  
17 Legislature; nine copies to the Revisor of Statutes; sixteen copies  
18 to the Supreme Court and the Legislative Council; and thirty-five  
19 copies to the University of Nebraska College of Law.

20 One copy of the journal of the Legislature shall be  
21 delivered to the Governor, the Lieutenant Governor, the State  
22 Treasurer, the Auditor of Public Accounts, the Reporter of the  
23 Supreme Court and Court of Appeals, the State Court Administrator,  
24 the Nebraska State Historical Society, the Legislative Fiscal  
25 Analyst, the Tax Equalization and Review Commission, the Commission  
26 on Public Advocacy, and the Library of Congress; two copies to the  
27 Secretary of State, the Commission of Industrial Relations, and the  
28 Nebraska Workers' Compensation Court; four copies to the Nebraska

1 Publications Clearinghouse; five copies to the Attorney General and  
2 the Revisor of Statutes; eight copies to the Clerk of the  
3 Legislature; thirteen copies to the Supreme Court and the  
4 Legislative Council; and thirty-five copies to the University of  
5 Nebraska College of Law. The remaining copies shall be delivered  
6 to the State Librarian who shall use the same, so far as required  
7 for exchange purposes, in building up the State Library and in the  
8 manner specified in sections 49-507 to 49-509.

9           Sec. 3.     Section 49-617, Revised Statutes Supplement,  
10 1999, is amended to read:

11           49-617. The Revisor of Statutes shall cause the statutes  
12 to be printed. The printer shall deliver all completed copies to  
13 the Supreme Court. These copies shall be held and disposed of by  
14 the court as follows: Sixty copies to the State Library to exchange  
15 for statutes of other states; five copies to the State Library to  
16 keep for daily use; not to exceed twenty-five copies to the  
17 Legislative Council for bill drafting and related services to the  
18 Legislature and executive state officers; as many copies to the  
19 Attorney General as he or she has attorneys on his or her staff; as  
20 many copies to the Commission on Public Advocacy as it has  
21 attorneys on its staff; up to sixteen copies to the State Court  
22 Administrator; twelve copies to the Tax Commissioner; eight copies  
23 to the Nebraska Publications Clearinghouse; six copies to the  
24 Public Service Commission; four copies to the Secretary of State;  
25 four copies to the Clerk of the Legislature for use in his or her  
26 office and three copies to be maintained in the legislative  
27 chamber, one copy on each side of the chamber and one copy at the  
28 desk of the Clerk of the Legislature, under control of the sergeant

1 at arms; two copies each to the Governor of the state, the Chief  
2 Justice and each judge of the Supreme Court, each judge of the  
3 Court of Appeals, the Clerk of the Supreme Court, the Reporter of  
4 the Supreme Court and Court of Appeals, the Auditor of Public  
5 Accounts, the Commissioner of Labor, and the Revisor of Statutes;  
6 one copy each to the Secretary of State of the United States, each  
7 Indian tribal court located in the State of Nebraska, the library  
8 of the Supreme Court of the United States, the Adjutant General,  
9 the Air National Guard, the Commissioner of Education, the State  
10 Treasurer, the Board of Educational Lands and Funds, the Director  
11 of Agriculture, the Director of Administrative Services, the  
12 Director of Aeronautics, the Director of Economic Development, the  
13 director of the Public Employees Retirement Board, the  
14 Director-State Engineer, the Director of Banking and Finance, the  
15 Director of Insurance, the Director of Motor Vehicles, the Property  
16 Tax Administrator, the Director of Veterans' Affairs, the Director  
17 of Water Resources, the Director of Correctional Services, the  
18 Nebraska Emergency Operating Center, each judge of the Nebraska  
19 Workers' Compensation Court, each judge of the Commission of  
20 Industrial Relations, the Nebraska Liquor Control Commission, the  
21 Nebraska Natural Resources Commission, the State Real Estate  
22 Commission, the Tax Equalization and Review Commission, the  
23 secretary of the Game and Parks Commission, the Board of Pardons,  
24 the Department of Health and Human Services, the Department of  
25 Health and Human Services Regulation and Licensure, the Department  
26 of Health and Human Services Finance and Support, each state  
27 institution under the Department of Health and Human Services, each  
28 state institution under the State Department of Education, the

1 State Surveyor, the Nebraska State Patrol, the materiel division of  
2 the Department of Administrative Services, the personnel division  
3 of the Department of Administrative Services, the Nebraska Motor  
4 Vehicle Industry Licensing Board, the Board of Trustees of the  
5 Nebraska State Colleges, each of the Nebraska state colleges, each  
6 district judge of the State of Nebraska, each judge of the county  
7 court, each judge of a separate juvenile court, the Lieutenant  
8 Governor, each United States Senator from Nebraska, each United  
9 States Representative from Nebraska, each clerk of the district  
10 court for the use of the district court, the clerk of the Nebraska  
11 Workers' Compensation Court, each clerk of the county court, each  
12 county attorney, each county public defender, each county law  
13 library, and the inmate library at all state penal and correctional  
14 institutions, and each member of the Legislature shall be entitled  
15 to two complete sets, and two complete sets of such volumes as are  
16 necessary to update previously issued volumes, but each member of  
17 the Legislature and each judge of any court referred to in this  
18 section shall be entitled, on request, to an additional complete  
19 set. Copies of the statutes distributed without charge, as listed  
20 in this section, shall be the property of the state or governmental  
21 subdivision of the state and not the personal property of the  
22 particular person receiving a copy. Distribution of statutes to  
23 the library of the College of Law of the University of Nebraska  
24 shall be as provided in sections 85-176 and 85-177.

25           Sec. 4.     Original section 29-3931, Revised Statutes  
26 Supplement, 1998, and sections 49-506 and 49-617, Revised Statutes  
27 Supplement, 1999, are repealed.

28           Sec. 5.     Since an emergency exists, this act takes effect

LB 1085

LB 1085

- 1 when passed and approved according to law.